

Supreme Court of Kentucky

ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND
PROCEDURE FOR THE 3RD JUDICIAL DISTRICT, CHRISTIAN
COUNTY**

Upon recommendation of the Judges of the 3rd Judicial District, and
being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 3rd Judicial District,
Christian County, are hereby approved. This order shall be effective as of the
date of this Order and shall remain in effect until further orders of this court.

Entered this the 21st day of January 2020.


CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF PRACTICE
CHRISTIAN DISTRICT COURT
(January, 2020)**

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**RULES OF PRACTICE
CHRISTIAN DISTRICT COURT
(January, 2020)**

Pursuant to KRS 23A.010, RCr 13.02 and SCR 1.040 (3) (a), the following rules are adopted for procedure in the Christian District Court and may be cited by the abbreviation "CDR" followed by the appropriate rule number:

These Rules supplement the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative Christian District Court Rules.

These Rules shall be constructed to secure a just and speedy determination of all matters. The Court may suspend any of these rules whenever justice requires

RULE 1 EFFECTIVE DATE

1.01. Repeal of Prior Rules. Any rules of practice heretofore adopted by this Court shall be repealed, and the following rules shall take effect and be in force on and after the approval by the Chief Justice of the Supreme Court of Kentucky.

1.02. Amendments & Effective Date. Any amendment, deletions from and additions to these rules shall take effect thirty days after they have been approved by the Chief Justice.

RULE 2 DIVISIONS

2.01. Two Divisions. The Christian District Court shall convene and transact business in two divisions, to be designated as "Christian District Court, Division I" and "Christian District Court, Division II."

2.02. Adams Division I. The Hon. John Lindsey Adams and his successors in office shall preside over Division I of this Court.

2.03. Cotthoff Division II. The Hon. John Foster Cotthoff and his successors in office shall preside over Division II of this Court.

2.04. Assignment of Cases

Case assignments are set in the interest of justice to avoid "forum or judge shopping" and in the interest of judicial efficiency to allocate a similar caseload within the county and therefore may not be waived by parties, police agencies, clerks or attorneys.

(1) Civil cases. **All civil** cases shall be assigned randomly by the Office of the Circuit Court Clerk ("Clerk") using the random judge assignment software.

(2) Criminal/Traffic cases: **All criminal and traffic** cases shall be assigned initial court dates by the Clerk according to the date listed on the summons, citation, citation, or pretrial release for cases where the defendant is not in custody. The Clerk shall assign initial traffic and criminal cases to the next available arraignment date for cases where the defendant is in custody. However, the Clerk shall make every attempt to set co-defendants in the same division and to set new cases for a pending defendant in the same division for judicial efficiency.

2.05. Inter-Division Transfers: Upon orders signed by the Judge of either division, a proceeding may be transferred from one division to the other when the Judge of either division to which a case has been assigned is disqualified, when co-defendants each have pending cases, when the necessity for an early trial date arises, or when good and sufficient reasons so require in the opinion of the Judge of either division.

2.06. Absence of Presiding Judge.

(1) Criminal Cases. Regardless of the assignment of a proceeding to a particular division, the Judge of either division may, in the absence of the other, exercise jurisdiction and sign any order or entertain any proceeding requiring immediate attention when the Judge to which said proceeding is assigned is not readily available or is incapacitated to enter said order. This shall include search warrants, arrest warrants, bench warrants, summons, setting of bond, preliminary hearings, detention of juveniles, and any other matter requiring expeditious treatment.

(2) Civil Cases. Regardless of the assignment of a case to a particular division, the Judge of either division may in the absence of the other Judge sign a restraining order or other order needed for any temporary extraordinary relief until such matter can be considered by the Judge of the division to which said case has been assigned, provided the applicant's rights are being or will be violated and he or she will suffer immediate and irreparable injury by delay, as shown by verified complaint, affidavit or sworn proof. In like circumstances, either judge may sign Emergency Involuntary Requests for Evaluation or Hospitalization.

RULE 3 JURY SELECTION AND MANAGEMENT

3.01. Procedures. Procedures for the selection of persons to serve on juries shall be governed by the applicable Kentucky Revised Statutes and Administrative Procedures of the Court of Justice.

3.02. Empaneling. A new petit jury will be empaneled on the first Monday of each month in January, March, May, July, September and November for a two-month period of service. Once empaneled, a member of the petit jury shall continue to serve in that capacity until a new petit jury is empaneled or until the completion of the last case on which that juror was selected to serve, whichever occurs later. For any reason authorized by KRS 29A.100, either Judge may excuse any juror from additional service at any time. If Monday is a holiday, jurors will be empaneled on Tuesday or Wednesday at the election of the orienting Judge.

3.03. Orientation. The petit jury will receive orientation under the instruction of either of the District Judges on the first Monday of each month in which a petit jury is seated.

3.04. Juror Qualification Forms. The Christian County Attorney and Office of Public Advocacy shall each be entitled to one copy of the set of Juror Qualification Forms for those jurors seated in the District Court petit jury. Private counsel and pro se litigants may request copies of the Juror Qualification Forms from the Clerk's Office for a fee of \$.25 per copied page or the current fee assessed by the Circuit Clerks Office.

RULE 4 COURT SCHEDULE

Court Dates for Divisions I and II

<u>Monday</u>	8:30 a.m.	Civil, Probate and Evictions (Alternated weekly between Divisions)
	10:00 a.m.	Small Claims (Alternated weekly between Divisions)
	11:00 a.m.	Division II Veterans Treatment Court
	12:00 p.m.	Division I Criminal Arraignments (Video)
	1:00 p.m.	Division II Criminal Court
<u>Tuesday</u>	8:30 a.m.	Division II Traffic Court Arraignments (Video)
	9:00 a.m.	Division I Traffic Court
	1:00 p.m.	Division II Criminal Arraignments (Video)
	1:00 p.m.	Division I Juvenile Court
	2:00 p.m.	Division II Guardianship Hearings
<u>Wednesday</u>	9:00 a.m.	Division I Criminal Court w/Video Arraignments
	9:00 a.m.	Disability Proceedings (1 st Wednesday each month)
	1:00 p.m.	Mental Health WSH
<u>Thursday</u>	8:30 a.m.	Division II Traffic Court Arraignments (Video)
	9:00 a.m.	Division II Traffic Court
	12:00 p.m.	Juvenile Drug Court
	1:00 p.m.	Division I Criminal Court Arraignments (Video)
	1:00 p.m.	3 rd Thursday Insurance Monitoring Court 4 th Thursday International Court
<u>Friday</u>	9:00 a.m.	Division II Criminal Court w/Video Arraignments

ULE 5 CRIMINAL PROCEEDINGS

5.01. Arraignments

Prisoner arraignments will be held every weekday all year, except on court holidays as set by the Administrative Office of the Courts.. Non-prisoner arraignments shall be held as set out hereinabove. If a judge is ill or absent, he shall request the judge of the other division or a special judge to arraign all prisoners for the county. All arraignments for prisoners arrested since the last court date and still incarcerated shall be handled through video arraignment from the Christian County Jail via video link in open court. The Judges may alter the video schedule on any given day due to malfunction, illness, absence or for convenience at the joint discretion of the judges.

5.02 Pretrial Conferences

Pretrial Conferences will be held on the date and time set out in the Pretrial Conference Order. Pretrial Conferences will be held as a matter of course in all criminal/traffic cases in which a jury or bench trial has been requested. At that time, both parties should exchange all proposed exhibits, proposed instructions, and any motions.

When the defendant's case has been scheduled for a trial, all reasonable efforts shall be made to prevent unnecessary delay of the trial and inconvenience to the jury. Attorneys and defendants are to use their best efforts towards settlement and should exhaust completely all efforts towards settlement no later than the date of the pretrial conference.

5.03 Motions

Motions on criminal or traffic matters will ordinarily be heard on Thursday afternoons, or at other times amenable to the parties and the Court, with scheduling via the Court's Administrative Assistant. Motions must be prepared and filed with the Clerk at least seven (7) days prior to the hearing date with copies of said motion to be served on both the opposing party and the Court's Administrative Assistant. Any motion not filed at least seven (7) days prior to the hearing date will be removed from the Court's motion docket and returned to the regular criminal or traffic docket for further proceedings.

Oral motions may be made on the record in open court, but in the discretion of the Court, may be set to be heard at a date and time later should the Court determine that a hearing on the motion at that time will disrupt on-going court proceedings.

5.04 Trials

Jury trials will be scheduled as follows:

Division I
Division II

Thursdays & Fridays
Tuesdays & Wednesdays

The jury will be seated promptly at 9:00 a.m. unless otherwise notified by the Court. Attorneys for both parties are expected to be in court prepared for any pretrial motions by 8:30 a.m. The parties should present to the court at that time the proposed instructions so that the case can proceed without undue delay.

Bench trials shall be set on written waiver of the Defendant, consent of the Commonwealth and approval of the Court.

All exhibits not required to be maintained or disposed of by statute filed in the Christian District Court shall be withdrawn by the party so filing within thirty (30) days after the appeal time in the case has expired, and upon the party's failure to do so, the Clerk is directed to destroy the same according to the retention schedule.

5.05. Representation by Counsel

(1) Indigent Defendants.

All defendants charged with violation of the penal statutes who are found by the Court to be indigent shall be represented by the Kentucky Department for Public Advocacy. The Court shall appoint that organization to conduct the defense of the case, subject only to recoupment orders based on ability to pay if appropriate in the discretion of the Court.

(2) Withdrawal or Removal of Counsel.

(a) Appointed Counsel. Except on a showing of extraordinary circumstances, counsel appointed by the Court will not be removed or permitted to withdraw on grounds of personality conflict or refusal of the defendant to cooperate with counsel. Appointed counsel may be allowed to withdraw if ability to pay for retained counsel is shown during representation, but before the day of trial. Withdrawal will not be allowed on the day of trial based on a defendant's newly acquired ability to pay for retained counsel.

(b) Retained Counsel. Except for good cause shown, retained counsel who has appeared for the defendant at any proceeding will not be permitted to withdraw prior to entry of final judgment without the filing of a written motion, served on the defendant, setting forth grounds for the motion. "Retained counsel" means any attorney authorized to practice before this Court who has not been appointed by the Court to represent the defendant.

(3) Attorney Appearances.

Attorney appearances shall be made with a client for arraignment on felonies. No attorney may appear on behalf of his client for pre-trial conferencing, preliminary hearing or trial and excuse the presence of the Defendant, without leave of the Court. Only the Court may excuse the presence of the Defendant for good cause shown. Motions made by attorney for the Defendant do not require the presence of the Defendant unless requested by either party and notice given to the Defense counsel. (e.g. Motion for bond assignment when affidavit filed, motion for new trial date, motion for discovery.)

5.06 Discovery.

All motions for discovery made pursuant to RCr 7.24 shall be made at least thirty (30) days prior to the trial date. Failure to file a timely motion for discovery will be cause for the court to consider the discovery waived. All motions for discovery must be in writing and accompanied with a prepared order.

5.07 Search warrants.

Copies of all search warrants and supporting affidavits shall be filed in the Clerk's office pursuant to RCr 13.10. An executed copy shall be filed by the executing officer in the clerk's office within 24 hours of execution, pursuant to CR 6.01. If an arrest results therefrom, the above paper shall be placed in the case file of the defendant. Supporting affidavits shall be sworn to before any judge.

5.08 Traffic Court/Misdemeanor Court

In the interest of judicial efficiency and economy the following are accepted as local rules of practice concerning Traffic Court/Misdemeanor Court and attorneys, Clerk, officers, and defendants may rely on these rules to govern their advice and actions.

(1) Registration Charges, No License, No License in Possession, and Expired License.

The Clerk may accept from the Defendant and file with the Court any proof of license or registration. No appearance will be necessary for the Court to dismiss.

(2) Statutorily Set Fines for Traffic Violations and Speeding Tickets.

Any Defendant may submit fines and court costs for pre-payable, statutorily set fines and court costs to the Circuit Clerk's office in advance of a court date. Such submission may be accepted by the Court as a plea of guilty by the Defendant and will release the Defendant from personal appearance.

(3) Bench Warrants/Failure to Appear Suspensions of License.

In the discretion of the presiding judge, bench warrants and failure to appear suspensions of driver's license will not be recalled without the appearance of a defendant in court. Such requests to recall bench warrants and failure to appear suspensions of driver's license shall be placed on the docket by written motion of attorneys or written request of defendants.

Even without the personal appearance of the Defendant, the Clerk shall consider as recalled any bench warrant for fines and court costs which have been paid in full and shall notify DOT to recall any attendant FTA of a driver's license.

(4) Pre-payable Offenses.

Upon review of the Clerk's Manual and the correspondence of the Administrative Office of the Courts for the Christian Circuit Court Clerk regarding pre-payable offenses, the following shall govern Pre-payable Docketing by clerks:

(a) Prepayable Docket. Prepayable citations shall be handled by the Clerk's office in accordance with the Clerk's manual.

(b) Request for Court Date. Request by a Defendant for a court date: Clerk shall set matter for a Trial by Court as the next regularly scheduled date for that particular Court.

(c) Statutory Corrections. The Clerk may correct any notation by an officer on a citation to conform to the Kentucky Revised Statutes regarding whether the citation requires a court appearance or may be pre-paid into court in lieu of appearance. Any fines and court costs assessed by an officer as pre-payable shall be honored by the Clerk.

(d) AI: The Clerk may accept pre-payment for any citation for Alcohol Intoxication (1st or 2nd offense within a 12 month period) at the rate set statutorily for Alcohol Intoxication and excuse the Defendant from appearance in Court.

(e) Traffic citations where the defendant is a minor must be marked for court per KRS 189.999(f).

(5) UOR Consistency with Charges. The Clerk shall have the authority to correct any obsolete UOR code used in a citation with the current up to date code for that same violation when entering citations; to correct any UOR code to match the charging language of the citation; and to correct any notation of Limited Access by adding or deleting the same in accordance with the DOT schedule of Limited Access Roads on file.

(6) Hardship License Requests. Defendants seeking Hardship Licenses following convictions in Driving Under the Influence cases may file the required Petition and Tendered Order and submit to the Clerk. The Clerk shall set matter for hearing on the next available court date in the appropriate division.

5.09 Miscellaneous

(1) Alcohol and Drug Education Notice to Attend. At the time of entry of plea in any DUI case, the Defendant shall be referred for Alcohol and Drug Education to a state approved ADE provider with whom the defendant intends to enroll.

(2) Prisoner Transport. No prisoners shall be transported to Court except at the request of judges, pre-trial release officers, or Clerk.

(3) Shock Probation Motions. Motions for Shock Probation shall be made in writing and filed with the clerk to be heard "At the Convenience of the Court." When Shock Probation Motions are filed, the Clerk shall **immediately** submit the motion with the file to the Judge's chambers for review. Regardless of whether an attorney or party so requests or files, the Clerk shall not docket the motion for a motion day or bring a prisoner from jail without an Order from the judge. In conformance with KRS 439.267(2), hearings will only be set "in the discretion of the trial court."

RULE 6 CIVIL PROCEEDINGS

6.01 Motions.

Civil matters shall be heard as set out hereinabove in both divisions. Any motion shall be filed and served on the opposing party at least seven (7) days prior to the date set for hearing said motion.

6.02 Motions under Civil Rule 78(2).

A movant at his or her option may bring his/her motion under the provisions of CR 78(2) which makes provisions for determination of motions without oral hearings upon brief written statements of reasons in support and opposition.

The movant in his or her certificate of service or elsewhere in the motion shall state that the motion is made under CR 78(2) and shall direct the opposing party's/attorney's attention to the fact that under this local rule the motion may be granted routinely by the Court ten (10) days after filing unless an objection is received or a response is filed and the matter shall be set on the next regularly scheduled motion day.

6.03 Jury Trials.

(1) Jury trials shall be set as scheduled with the Court. A pretrial conference for all matters set for jury trial shall be set on a special date by the court. At the pretrial conference, both parties will be prepared to list the witnesses they intend to call, instructions to the jury, and an exchange of any and all exhibits to be introduced into the record. Failure to do so at the pretrial conference shall be grounds to exclude said witness, exhibit, or instruction.

(2) In a jury trial, Counsel objecting to evidence or questions shall state the objection and the general nature of the basis of the objection only. If counsel desires to make further argument for reason for objection, counsel shall ask to approach the bench to argue the objections on the record at bench conference.

6.04 Bench trials.

Bench trials shall be set by the court on specific dates. A pretrial conference for all matters set for jury trial shall be set on a special date by the court. At the pretrial conference, both parties will be prepared to list the witnesses they intend to call and an exchange of any and all exhibits to be introduced into the record. Failure to do so at the pretrial conference shall be grounds to exclude said witness, exhibit, or instruction.

6.05. Settlements.

(1) Upon the settlement of any civil action which is set for trial, the parties shall immediately notify the Clerk of the fact of settlement.

(2) Upon the settlement of any action, an Agreed Order of either judgment or dismissal, signed by all parties or their counsel, shall be prepared and tendered to the presiding Judge for signature. Such Agreed Order shall be entered prior to the date of trial, if at all practicable.

6.06. Summons recall.

In all District Court civil cases in which an Order closing the case is entered, the Clerk shall recall any outstanding civil summons in that case and so note in the KYCourts system.

RULE 7 MOTION PRACTICE -- All Divisions

7.01. Direct Submissions. Any motion accompanied by an "Agreed Order", any motion for a default judgment, Informal Final Settlement, or any motion filed pursuant to Civil Rule 78(2) may be filed with the Clerk and sent directly to the presiding Judge by the Clerk for review/submission. All other motions must be noticed for a hearing at Motion Hour pursuant to the type of case to be heard.

7.02. Service of Motions. Each motion shall be served upon opposing counsel or party not represented by counsel and entitled to notice and shall be as described in Civil Rule 5.02. All post-judgment motions must be served upon the opposing party.

7.03. Subject Matter. Each motion shall state therein, in general terms, the subject matter of the motion and the action of the Court requested by the movant.

7.04. Tendered Orders Required. No motion, including Motions to Suppress, Motions to Dismiss, and Motions for Bond Assignment, will be heard by the Court unless same is accompanied by a tendered order which the movant desires the Court to enter.

7.05. Hearings. Any hearing required pursuant to a motion will, at the calling of the motion, be heard at said time or assigned to a date and hour for hearing. Except for good cause shown, any motion requiring a hearing of more than 15 minutes or requiring witness testimony may be assigned for hearing at a specific time.

7.06. Incorrect case name or number. Any motion which is filed where the case number cited by the attorney does not correspond with the case name on file with the District Clerk's office shall be clocked in, but will be voided and returned to the attorney without placing on a docket for court review or action, noting that the matter was not placed on the docket as requested and the specific reason therefore; (e.g. "Unable to docket: case number does not match defendant name in KYCourts.") It is not the responsibility nor authority of the Clerk/deputy clerk to correct any errors in case numbers or case names on motions filed by attorneys.

7.07. Fax transmissions. Fax transmissions are not acceptable as court filings. All motions must be filed by hard copy with original signatures to the Clerk in order to be considered as filed and be placed on a court docket. Fax transmissions may be accepted in lieu of any telephonic conversations otherwise acceptable (e.g. first telephonic request for one week continuance of arraignment, notice of eviction settlement.). Simple requests by Defendants to re-docket a case may be faxed or electronically transmitted to the Clerk's office. This rule does not preclude any electronic filing available to our statewide Kentucky Court.

7.08. Subpoena Issuance. The use of digitized signatures by the Circuit Clerk's Office or any issuing attorney is appropriate if authorized by the signatory for purpose of issuing subpoenas.

RULE8 UNIFORM PROTOCOL DOMESTIC VIOLENCE CASES

8.01. Emergency Protective Orders (EPOs) and Domestic Violence Orders (DVOs). Pursuant to KRS 403.735(3), the Christian Circuit Court, the Christian Family Court and the Christian District Court hereby set out the procedures for twenty four (24) hour accessibility to Emergency Protective Orders (EPOs) and Domestic Violence Orders (DVOs).

A current copy the Christian County Domestic Violence Protocol are appended hereto and adopted as though fully set out herein.

RULE 9 SMALL CLAIMS COURT

9.01. Court Calendar. Small claims court will be held every Monday at 10:00 a.m., unless otherwise directed by the Judge of the Division.

9.02. Issuance of Summons. Summons shall be issued to the address or addresses as noted by the Plaintiff in a Small Claims action. Summons shall be delivered to the Christian County Sheriff Office for service unless otherwise requested by the Plaintiff. Plaintiff shall pay directly to the Christian County Sheriff any fee associated with such service. The Christian County Sheriff office shall use its best efforts to serve all Small Claims summonses with dispatch so that each Defendant shall have at least the statutory twenty days' notice before the date set for the Trial by Court. The Christian County Sheriff shall return to the Clerk any summonses for Small Claims that have less than twenty (20) days remaining before the date of the hearing. The Clerk shall re-issue the summons for those cases and notify the Plaintiff of the new date. The re-issue shall not require a new payment for filing or service.

Practice before the small claims session of District Court shall be in conformity with the provisions of KRS 24A-200 to 24A-360 inclusive. Settlements reached prior to trial shall be in writing and in conformity with the settlement agreement form obtainable from the office of the clerk of the small claims session.

9.03. Continuances. A continuance of a small claims action may be granted only for the reasons set forth in KRS 24A.280(3). The parties may agree to continue a hearing, and in such event, shall tender an agreed order of continuance. Any *ex parte* motions for continuances will not be considered.

RULE 10 PROBATE COURT

10.01. Court Calendar. Probate court will be held every Monday morning at 8:30 a.m. The presiding judge may allow probate matters to be heard at other days or times.

10.02 Filing Deadlines. Matters for probate court shall be filed with all proper fees and copies **at least by 2:00 p.m. two business days prior to the scheduled probate date.**

10.03 Authentication of Last Will and Testament A Last Will and Testament offered for probate, which is not self-proving, will not be accepted unless proof is submitted to the court regarding its due execution. This proof may be in the form of oral testimony before the court or by affidavit.

10.04 Notice. Unless the person seeking appointment as a personal representative is named executor/executrix in a will offered for probate, notice of the hearing of the appointment must be given to all heirs-at-law. The notice must be given in writing at least five (5) days before the hearing date and filed in the record. In lieu of such notice, the Court will accept a waiver from each heir indicating that he or she desires the person seeking appointment as administrator/administratrix be appointed.

10.05 Bond and surety. The personal representative shall be required to make a bond. The amount of this bond shall be the estimated value of the personal property of the estate for which the fiduciary is entrusted. Surety will be excused where the will requests that surety not be required or in the discretion of the court when it is deemed unnecessary for protection of the estate where there is a waiver of surety executed by all parties.

RULE 11 JUVENILE COURT

11.01. Court Calendar. Juvenile Court will be held on Tuesday afternoon at 1:00 p.m.

Detention hearings, and any other emergency matters that arise between regular Juvenile days will be heard on any weekday as set by the presiding judge, within the statutory parameters.

Each Judge reserves the right to assign a special adjudication date for a particular case on any given day.

11.02. Filing Deadlines. All matters for Juvenile Court shall be **filed one week in advance** of the juvenile docket, unless good cause is shown and advance permission from the judge is given.

RULE 12 FORCIBLE DETAINER/ EVICTION ACTIONS

12.01. Court Calendar. Forcible detainer/eviction actions will be heard every Monday at 8:30 a.m. The Clerk shall schedule dates for individual cases with adequate time for sufficient legal notice to be delivered to a tenant before hearing date.

12.02. Required Signature. If the property is owned by an individual, a Forcible Detainer Complaint must be signed by the property owner or by an attorney who is representing them.

12.03. Attorney Required for Corporation or LLC. If the property is owned by a corporation or limited liability company, an attorney must sign the Forcible Detainer Complaint and appear in court on the date of the hearing. A representative of a corporation cannot appear in court on the corporation's behalf without an attorney present.

12.04. Proof of written notice to vacate. Proof of a written notice to terminate the tenancy is required and must be made 30 days before the hearing. Said 30-day notice may be waived if agreed to in writing, in which case proof of said waiver must be shown to the Court at the time of the hearing. No forcible detainer complaint shall be filed until the appropriate notice period has lapsed.

12.05. Request for Jury Trial A request for a jury trial must be made before the Court hears any evidence of the parties.

12.06. Warrant for Possession. If no appeal is taken within seven (7) days of the entry of the Forcible Detainer Judgment, the Plaintiff (landlord) may request an Eviction Notice - Warrant for Possession from the Clerk's Office.

RULE 13 GUARDIANSHIP, MENTAL HEALTH & DISABILITIES

13.01. Court Calendar.

(1) Emergency guardianships, mental health and disability cases will be scheduled within the time limits of the applicable statutes as directed by the presiding judge.

(2) Annual and biennial reviews and motions concerning guardianships, mental health and disability cases shall be heard with the Probate Docket of Division II.

(3) Disability and mental health jury proceedings shall be heard on the first Wednesday of each month, unless otherwise scheduled by the Court. Emergency disability petitions will be heard within seven (7) days of the request, and the burden shall be upon the party to show that an emergency exists which endangers the health and safety and protection of the person's property which becomes necessary prior to the jury trial. Said emergency hearings are typically held on Tuesdays at 2:00 p.m.

RULE 14 GENERAL COURTROOM PROCEDURE/PRACTICE

14.01 No Smoking, Cell Phones, Pagers. There will be no smoking permitted in the Courtrooms or hallways of the Christian County Justice Center. The definition of smoking includes electronic cigarettes. Cell Phones/pagers must be set in the "vibrate only/silent alarm" mode or be turned off so as not to create any nuisance or distraction in the courtroom.

14.02 Attorney Attire. All attorneys participating in a court proceeding shall wear suitable attire, in keeping with the dignity of the proceeding.

14.03 Head Attire. No head attire may be worn in the courtroom unless required for medical or religious purposes or for good cause shown.

14.04 Weapons. No weapons shall be permitted on or about any person in the courtroom or courthouse, except for law enforcement officers in their official duties.

14.05 Children. The presence of young children is discouraged, and if disruptive, they will be required to leave. Bringing young children to Court will not advance a case on the docket, nor will it hamper the ability of the Court to dispose of cases as necessary.

14.06 Counsel Tables. During trial, only the attorneys actively participating in a trial and the parties shall be seated at counsel tables. During motion days, only attorneys or those indicated by the Court otherwise shall be seated at counsel tables.

14.07 Attorney Bias. No attorney shall by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socio-economic status as directed to parties, witnesses, counsel, court staff or others.

14.08 Code of Professional Courtesy. This Court hereby adopts the Code of Professional Courtesy of the Kentucky Bar Association as may be amended from time to time.

14.09. Judicial, Staff and Court Official Courtesy. The Court hereby recognizes the Rules of the Supreme Court in Canon 3.B(4). A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and require similar conduct of lawyers and of staff, court officials and others subject to the judge's direction and control.

14.10. Time for summations. The Court may fix the amount of time allowed to counsel for each party for arguments for each party in all jury actions. Counsel may suggest to the Court the time limitation to be placed. If any party is dissatisfied with the time assigned by the court, objections must be noted at the time of the ruling of the Court in that case.

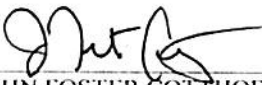
14.11. Improper Argument. No attorney shall assert in argument his personal belief in the justness of his client's cause or in the veracity of any witness. No attorney shall ask a jury to place themselves in the position of his client or of the opposing party.

14.12. Contact with Jurors. After the conclusion of a jury trial and only after the final service of all jurors for that petit jury month, attorneys may contact jurors regarding trials on which the juror served or participated in voir dire. Each juror may decline to speak with any attorney. Attorneys are not to contact any juror until the final conclusion of all petit jury trials for that term so as not to create any appearance of impropriety or overreaching toward any juror.

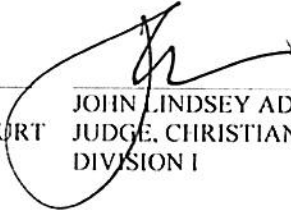
14.13. Violation of Rules. No attorney shall, nor cause any one on his staff or acting on his behalf, violate these rules of conduct.

14.14. Official Record. The Official Record of the Christian District Court shall be made on either video or audio recording whichever is more readily available and in working condition.

THESE LOCAL RULES ARE INTENDED TO COMPILE ALL STANDING ORDERS OF CHRISTIAN DISTRICT COURT AND THEREFORE THESE RULES AS ADOPTED SUPERCEDE ANY AND ALL CONTRADICTORY STANDING ORDERS PREVIOUSLY ON FILE FOR CHRISTIAN DISTRICT COURT.



JOHN FOSTER COTTHOFF
CHIEF JUDGE, CHRISTIAN DISTRICT COURT
DIVISION II



JOHN LINDSEY ADAMS
JUDGE, CHRISTIAN DISTRICT COURT
DIVISION I

CERTIFICATE

I, PAIGE PARKER, Clerk of the Christian/District Court, do hereby certify that the foregoing Rules of Practice were duly signed by the HON. JOHN FOSTER COTTHOFF and the HON. JOHN LINDSEY ADAMS, Judges of the Third Judicial District of Kentucky.

This 16 day of January, 2020.


PAIGE PARKER, CLERK